

114TH CONGRESS  
1ST SESSION

# S. 1718

To provide for the repeal of certain provisions of the Patient Protection and Affordable Care Act that have the effect of rationing health care.

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IN THE SENATE OF THE UNITED STATES

JULY 8, 2015

Mr. ROBERTS introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To provide for the repeal of certain provisions of the Patient Protection and Affordable Care Act that have the effect of rationing health care.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Four Rationers Repeal  
5 Act of 2015”.

6 **SEC. 2. REPEAL OF THE INDEPENDENT PAYMENT ADVI-  
7 SORY BOARD.**

8       Effective as of the enactment of the Patient Protec-  
9 tion and Affordable Care Act (Public Law 111–148), sec-  
10 tions 3403 and 10320 of such Act (including the amend-

1 ments made by such sections) are repealed, and any provi-  
2 sion of law amended by such sections is hereby restored  
3 as if such sections had not been enacted into law.

4 **SEC. 3. REPEAL OF THE CENTER FOR MEDICARE AND MED-**

5 **ICAID INNOVATION.**

6 (a) IN GENERAL.—Section 1115A of the Social Secu-  
7 rity Act (42 U.S.C. 1315a) is repealed.

8 (b) CONFORMING AMENDMENTS.—

9 (1) TITLE XVIII OF SSA.—Section  
10 1899(b)(4)(A) of the Social Security Act (42 U.S.C.  
11 1395jjj(b)(4)(A)) is amended to read as follows:

12 “(A) A program or demonstration project  
13 that involves shared savings under this title.”.

14 (2) TITLE XIX OF SSA.—Section 1902(a) of the  
15 Social Security Act (42 U.S.C. 1396a(a)) is amend-  
16 ed—

17 (A) in paragraph (79), by adding “and”  
18 after the semicolon at the end;

19 (B) in paragraph (80), by striking “; and”  
20 and inserting a period; and

21 (C) by striking paragraph (81).

22 (3) PHSA.—Section 933 of the Public Health  
23 Service Act (42 U.S.C. 299b–33) is amended—

24 (A) by striking subsection (f); and

1                                     (B) by redesignating subsection (g) as sub-  
2                                     section (f).

3                                     (4) PPACA.—The Patient Protection and Af-  
4                                     fordable Care Act (Public Law 111–148) is amend-  
5                                     ed—

6                                     (A) in section 2705 (42 U.S.C. 1315a  
7                                     note)—

8                                     (i) in subsection (a), by striking  
9                                     “shall, in coordination” and that follows  
10                                  through “establish” and inserting “shall  
11                                  establish”; and

12                                     (ii) in subsection (d)(2), by striking  
13                                     “section 1115A(b)(3) of the Social Secu-  
14                                  rity Act (as so added)” and inserting “the  
15                                  Social Security Act”; and

16                                     (B) in section 10328(b) (42 U.S.C.  
17                                     1395w–104 note), by striking “or to study” and  
18                                  all that follows through “3021”.

19                                     (c) EFFECTIVE DATE.—The amendments made by  
20                                  this section shall take effect on the date of enactment of  
21                                  this Act.

1   **SEC. 4. REPEAL OF CERTAIN UNITED STATES PREVENTIVE**  
2                         **SERVICES TASK FORCE AUTHORITY.**

3                 (a) AUTHORITY TO DETERMINE BENEFITS.—Section  
4   2713(a) of the Public Health Service Act (42 U.S.C.  
5   300gg–13(a)) is amended—

- 6                         (1) by striking paragraph (1);  
7                         (2) in paragraph (3), by striking “not described  
8                         in paragraph (1)”; and  
9                         (3) by redesignating paragraphs (2) through  
10                         (5) as paragraphs (1) through (4), respectively.

11                 (b) REPEAL OF COMMUNITY PREVENTIVE SERVICES  
12   TASK FORCE.—Section 4003 of the Patient Protection  
13   and Affordable Care Act (Public Law 111–148) is re-  
14   pealed and the provisions of the Public Health Service Act  
15   amended by such section are restored or revived as if such  
16   section 4003 had not been enacted.

17   **SEC. 5. PROHIBITION ON CERTAIN USES OF DATA OB-**  
18                         **TAINED FROM COMPARATIVE EFFECTIVE-**  
19                         **NESS RESEARCH; ACCOUNTING FOR PERSON-**  
20                         **ALIZED MEDICINE AND DIFFERENCES IN PA-**  
21                         **TIENT TREATMENT RESPONSE.**

22                 (a) IN GENERAL.—Notwithstanding any other provi-  
23   sion of law, the Secretary of Health and Human Serv-  
24   ices—

- 25                         (1) shall not use data obtained from the con-  
26                         duct of comparative effectiveness research, including

1 such research that is conducted or supported using  
2 funds appropriated under the American Recovery  
3 and Reinvestment Act of 2009 (Public Law 111–5)  
4 or authorized or appropriated under the Patient  
5 Protection and Affordable Care Act (Public Law  
6 111–148), to deny or delay coverage of an item or  
7 service under a Federal health care program (as de-  
8 fined in section 1128B(f) of the Social Security Act  
9 (42 U.S.C. 1320a–7b(f))); and

10 (2) shall ensure that comparative effectiveness  
11 research conducted or supported by the Federal  
12 Government accounts for factors contributing to dif-  
13 ferences in the treatment response and treatment  
14 preferences of patients, including patient-reported  
15 outcomes, genomics and personalized medicine, the  
16 unique needs of health disparity populations, and in-  
17 direct patient benefits.

18 (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
19 tion shall be construed as affecting the authority of the  
20 Commissioner of Food and Drugs under the Federal  
21 Food, Drug, and Cosmetic Act or the Public Health Serv-  
22 ice Act.

